THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.23695 of 2007

Between:

R.Shaheen Begum and another.

.. PETITIONERS

and

The Tahsildar and another.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.23695 of 2007

ORDER:

It is the case of the petitioners that they purchased the land

admeasuring Ac.43-93 cents in Sy.Nos.623/1, 623/2, 632/2, 632/3, 632/4, 632/5, 633/2, 633/3, 633/5, 633/7, 634/2, 634/4, 635/3P, 636/5, 637/1, 637/2, 635/1, 638/2, 638/3 and 638/4 respectively situated at Marpur Village, Podalakar Mandal, Nellore District, from their vendors. While so, the 1st respondent issued notice in Form-I under Rule 3 of A.P.Assigned Lands (Prohibition of Transfers) Rules, 2007, to the petitioners calling upon them to submit explanation. After considering the explanation of the petitioners, the 1st respondent passed the resumption order in proceedings No.Rc.B.148/2004, dated 29-06-2007, in resuming the land admeasuring Ac.43-93 cents on the ground that originally the said land is assigned in favour of various assignees and the said assignees transferred the land in question in favour of the petitioners in violation of provision of sub-section (2) of Section 3 of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977. Aggrieved by the said order, the petitioners filed an appeal along with stay application before the 2nd respondent on 26-10-2007 and the same are pending. It is stated that pending disposal of the appeal, the 1st respondent is taking steps to dispossess the petitioners from the lands in question.

As it is stated that the appeal is pending before the 2nd respondent, without expressing any opinion on the merits of the case, I am of the opinion that it is just and proper to direct the 2nd respondent to consider and dispose of the appeal itself.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the appeal filed against the order of the 1st respondent in proceedings No.Rc.B.148/2004, dated 29-06-2007, in accordance with law, as expeditiously as possible, after giving reasonable opportunity to the petitioners. Pending disposal of the appeal, the 1st respondent is directed not to dispossess the petitioners from the land in question. There shall be no order as to costs.

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07-11-2007

Note:

Issue C.C. by Monday

(B/o)

Prv